

Before the Public Utilities Commission  
of the State of Colorado

Delta-Montrose Electric Association,	)	
	)	
Complainant,	)	
	)	
V.	)	
	)	Proceeding No. 18F-0866E
Tri-State Generation And Transmission Association, Inc.,	)	
	)	
Respondent.	)	
	)	

---

NOTICE OF INTERVENTION AS OF RIGHT OR MOTION FOR PERMISSION TO  
INTERVENE OF MOUNTAIN VIEW ELECTRIC ASSOCIATION, INC.

---

Mountain View Electric Association, Inc. (hereinafter “Mountain View”), by and through its undersigned attorney, hereby files this Notice of Intervention as of Right, pursuant to Rule 1401 of the Commission’s Rules of Practice and Procedure, and as grounds therefore states the following.

1. Mountain View is an electric cooperative association and a member-system of Tri-State Generation and Transmission Association (hereinafter “Tri-State”), also a cooperative association.
2. On December 6, 2018, Delta-Montrose Electric Association (hereinafter “DMEA”) filed a Formal Complaint against Tri-State involving a contractual dispute between DMEA and Tri-State.

3. As with complainant DMEA, Mountain View is bound by the Bylaws of Try-State as a member of Tri-State, a cooperative association, and purchases wholesale electric service from Tri-State under a Wholesale Electric Services Contract identical to that between DMEA and Tri-State. Mountain View and DMEA, along with Tri-State's other members, share the same contractual relationship to Tri-State.

4. While DMEA attempts to cast this action as a rate proceeding for which the Commission would arguably have jurisdiction under 40-3-102 C.R.S., the things about which DMEA claims are not "rates, charges and regulations to govern rates, charges and tariffs" of Tri-State, which by definition in this instance must involve charges for the supply of electric service. Rather, DMEA is complaining about a contractual term, contained in the Try-State Bylaws, which would only take effect if DMEA is no longer receiving electric service from Tri-State.

5. Since Mountain View is bound up in the same mutual contractual arrangement with DMEA and Tri-State's other members, any decision by the Commission that affects the contractual rights of DMEA or Tri-State will automatically also affect the contractual legal rights of Mountain View, as well as those of Tri-State's other members.

WHEREFORE, Mountain View has legally protected rights that could be affected by a Commission decision in this matter, and thus may intervene as a matter of right.

#### MOTION FOR PERMISSION TO INTERVENE

6. In the event that the Commission should deny Mountain View's Intervention as of Right, Mountain View definitely has an interest in the contractual matters involving Tri-State's Bylaws before the Commission in this proceeding, as set forth above, and

neither DMEA nor Tri-State can adequately represent Mountain View's interests, as they would be affected by adjustment of Mountain View's rights under said Bylaws in ways that could be different from the rights of DMEA and Tri-State, without participation by Mountain View.

7. Mountain View, as a Tri-State member outside the dispute brought before the Commission in this proceeding, would be in a position to demonstrate to the Commission how its rights, and those of other Tri-State members would be impacted by any decision of the Commission.

WHEREFORE Mountain View respectfully requests, if the Commission denies Mountain View's participation in this proceeding as an Intervenor as of Right, that it be granted status to participate as an Intervenor by Permission.

Respectfully submitted by e-filing this 7<sup>th</sup> day of January 2019.

Jack P. Wolfe #7961  
Attorney for Mountain View Electric Association, Inc.

/s/ Original signed and in the files of Jack P. Wolfe  
749 Tanager Circle  
Longmont, Colorado 80504  
303-776—0880  
[wolfelaw@uos.net](mailto:wolfelaw@uos.net)